

## REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 31-32, 34-36 and 37-38 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicants respectfully request the Examiner to accept the proposed amendments. Claims 1-30 and 42-49 have been cancelled without prejudice. No new claims have been added. Therefore, claims 31-41 are presented for examination.

### 35 U.S.C. § 102 Rejection

Claims 31-41 stand rejected under 35 U.S.C. §102(b), as being anticipated by Hammersley, U.S. Patent No. 6,618,783 ("Hammersley").

Claim 31, as amended, recites:

A system comprising:

a bus;

a first host system coupled to the bus to control a first plurality of peripheral devices via the bus, the first host system serving as one or more of an active host system and a standby host system;

a second host system coupled to the bus and the first host system, the second host system to control a second plurality of peripheral devices via the bus, the second host system serving as one or more of the active host system and the standby host system, the first and second host systems are synchronized via an Ethernet link such that either of the first and second host systems is ready for immediate takeover of a plurality of peripheral devices coupled to a failed host system if either of the first and second host systems fails, wherein the first and second host systems are further to contribute resources being utilized by the first and second peripheral devices, wherein the first host system and the second host system each include a controller; and

the controller having a fault detection module, the controller coupled to fault detection hardware, the fault detection module to receive a notification from the fault detection hardware indicating a fault associated with either the first host system or the second host system, wherein when the fault occurs, the failed host system to suspend control of and disconnect from the bus, and an active host system to immediately takeover control of the plurality of peripheral devices coupled to the failed host system.

(emphasis added)

Hammersley discloses “a method for a first processor that controls I/O traffic of a *first PCI bus* to acquire and relinquish control of a *second PCI bus* when a second processor for doing the same becomes inoperative.” (col. 8, lines 13-17; emphasis added) The two systems each include their own PCI bus 124(a) and 124(b). (see Figure 2, refs. 124(a) and (b)) Hammersley further discloses “a *switch-over detection module (not shown) that monitors the “life signs” of coupled CPUs . . . the functions of the detection module will be handled by software such as HP’s MC/ServiceGuard . . . other software/hardware that can provide similar functions could be used instead*” (col. 4, lines 64-67 to col. 5, lines 1-3; emphasis added).

In contrast, claim 31, as amended, in pertinent part, recites “the first host system serving as one or more of an active host system and a standby host system . . . the second host system serving as one or more of the active host system and the standby host system, the first and second host systems are synchronized via an Ethernet link such that either of the first and second host systems is ready for immediate takeover of a plurality of peripheral devices coupled to a failed host system if either of the first and second host systems fails, wherein the first and second host systems are further to contribute resources being utilized by the first and second peripheral devices . . . the fault detection module to receive a notification from the fault detection hardware indicating a fault associated . . . [and] the failed host system to suspend control of and disconnect from the bus, and an active host system to immediately takeover control of the plurality of peripheral devices coupled to the failed host system.” Hammersley does not teach or reasonably suggest at least these features of claim 31. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 31 and its dependent

claims.

Claim 37 contains limitations similar to those of claim 31. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 37 and its dependent claims.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

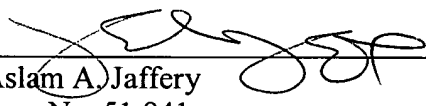
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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